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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/996,849 | 11/27/2001 | Michael K. Davis | 50031-0020 | 4891 |
| 36178 | 7590 | 07/15/2004 | | |
| LEE G. MEYER, ESQ. MEYER & ASSOCIATES, LLC 17462 E. POWERS DRIVE CENTENNIAL, CO 80015-3046 | | | EXAMINER KNEPPER, DAVID D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2654 | |
| | | | DATE MAILED: 07/15/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,849

Applicant(s)

DAVIS ET AL.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 4 June 2002, 15 July 2002, and 30 May 2003 [paper #2 (IDS), 3 (power of attorney) and 5 (change of address)] has been received and considered. Claims 1-17 are pending.

Title

2. The title is objected to because it is too generic.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Priority Claims

3. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Claims

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Cilurzo (6,434,526).

“Facilitating the exchange of speech recognition and transcription” is taught by Cilurzo with his speech server 300, figure 3:

“at least one system transaction manager... one of the users employing a first system protocol.. more of the users employing a second system protocol that may be the same or different” (taught by his network server 202, figure 3); and

“at least one speech recognition and transcription engine” (taught by his speech manager 300 and speech engine 304 which facilitate speech recognition to be communicated to the user or users as necessary over the network).

It is noted that Cilurzo does not explicitly use the term “speech information request”. However, he teaches it is an object of the present invention to provide, on a network, specific application software with a speech recognition capability (col. 2, lines 46-48). It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to combine Cilurzo’s system with a variety of requests for information because he teaches that his system is for use with any type of application software and computers are capable of handling and providing a great variety of information such as his teachings of radiology (col. 1, line 65-col.2, line 5), Lotus Notes (col. 5, line 21), medical information (col. 5, line 34) or chat sessions (col. 6, line 2). Thus, it would have been obvious to use speech recognition for requests of any information that a computer may manipulate because Cilurzo provides examples to

include radiology or more general medical information as well as information that humans send to each other using other software such as Lotus Notes or chat software.

Claims 2-13 are directed towards handling speech information for routing to one or more users. This is inherent in the chat session usage suggested by Cilurzo in column 6. As one of ordinary skill in the art is aware, a chat session may initiated by any user and may involve one or more additional users online regardless of the type of computer they are using.

Claim 14: See claim 1 above. A “uniform system protocol” is inherent in any network based system. Failure to provide a uniform protocol will make a network unstable and unusable for desired communications.

Claim 15: See claim 1 above. The claimed “second user application” is stated to be “the same or different than the first user application” and is therefore a transparent limitation. While Cilurzo clearly teaches that more than one desired application is obvious, this claim does not require more than one since the two are explicitly claimed in such a way that they may be one which allows more than one user.

Claims 16 and 17: See claim 1 above. The claimed “exchanging transcribed spoken text” is an obvious application of the chat sessions noted above. It is noted that the applicant claims that two protocols may be the same. Furthermore, even if the claims said that the protocols were different, the specification fails to teach any unique protocols. Thus, the claimed protocol can only be read on obvious prior art protocols that are suggested by Cilurzo’s suggested use of proprietary intranet network 200 (fig. 3) as well as uniform protocols such as used on the internet allowing communication with different users employing different combinations of hardware and software (col. 3, lines 28-36 and col. 4, lines 15-20).

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beck and Macleod (6,167,395 and 6,170,011) are cited to show that speech recognition may be used for communication functions that allow a variety of transactions using web based protocols.

The other references show a wide variety of speech recognition systems that show that it is well known to perform a variety of applications using network based protocols and communications.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

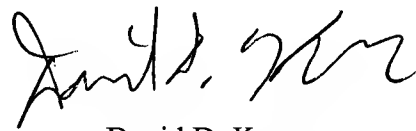
The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

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Paper #6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "David D. Knepper", is positioned above the printed name and title.

David D. Knepper
Primary Examiner
Art Unit 2654
July 6, 2004